

Remarks

Claims 1-30 were pending. Claims 6, 7, 9, 13, 20 and 25 have been amended and claims 1-5 and 10 have been cancelled. Claims 6-9 and 11-30 are now pending. No new matter has been added. Applicant asserts that all claims are in condition for allowance as set forth more fully below.

Interview Summary

The undersigned participated in a telephone interview with Examiner Hamza and Supervisory Examiner Najjar on February 13, 2006. During the interview, deficiencies in the Yun reference were discussed in relation to the present application. Namely, it was discussed how that the system of Yun does not provide instructions to a set top box relating to adjusting, controlling, or comparing parameter settings of the set top box nor does Yun disclose comparing information related to the provisioning of audio/video services. In addition, it was discussed that Yun does not teach (a) information related to a fixed disc drive (claim 8), (b) an instruction modifying an amount of available disk space on a fixed disk drive associated with the STB (claims 14-16), or (c) an instruction that modifies a capability of a tuner (claims 17-19). It was further discussed that Yun only taught a diagnostic method in which errors were found and reported and that Yun did not teach comparing information relating to resources for the provisioning of audio/video services as in the proposed amendment. It was also discussed that Yun failed to teach comparing parameter settings associated with the STB. Supervisory Examiner Najjar indicated that amendments clarifying these features would likely overcome the current rejections. Rejections under § 112 and possible amendments related thereto were also discussed.

112 Rejections

Claims 6, 7, 9, 13, and 20 have been rejected under 35 USC 112 for being indefinite. Claims 6, 7, 9, 13, and 20 have been amended to more clearly recite that a “first location remote from the STB” is receiving, retrieving, and comparing in accordance with the suggestion of Supervisory Examiner Najjar. No new matter has been added. Accordingly the rejection of these claims may now be withdrawn.

102 Rejections

Claims 6-30 stand rejected under 35 USC 102(e) as being anticipated by Yun (US Pat 6,915,531). Applicant respectfully traverses these rejections.

Claims 6-8 and 23

Claim 6 has been amended in accordance with Supervisory Examiner Najjar's recommendation such that amended claim 6 recites a method for communicating with a remote set top box comprising the steps of receiving ... a first item of information related to parameter settings associated with the STB from the STB; and comparing ... the first item of information with a second item of information, the second item of information being related to parameter settings expected to be associated with the STB; and based on a result of the comparing, communicating an instruction involving the parameter settings from the first location remote from the STB to the STB. Yun fails to disclose each of these recitations. As discussed above in the Interview Summary, it was discussed that Yun teaches a diagnostic system to check the operational state of an STB and there is no teaching in Yun of comparing parameter settings for an STB as in currently amended claim 6.

Accordingly, Yun fails to disclose all of the elements of claim 6, and claim 6 is allowable over Yun for at least these reasons. Dependent claims 7-8 and 23 depend from an allowable claim 6 and are also allowable for at least the same reasons.

Claims 9 and 11-12 and 22

Claim 9 has been amended such that amended claim 9 recites a method for remotely managing resources associated with a set top box (STB) comprising the steps of: receiving at a first location remote from the STB a first item of information sent from the STB, wherein the first item of information relates to the resources for provisioning of audio/video services associated with the STB; retrieving at the first location remote from the STB a second item of information, wherein the second item of information relates to resources for provisioning of audio/video services that are expected to be associated with the STB, and comparing at the first location remote from the STB the first item of information with the second item of information. Yun fails to disclose each of these

recitations. As discussed above, Yun teaches a diagnostic system to check the operational state of an STB and there is no teaching in Yun relating to provisioning of audio/video services associated with an STB as in currently amended claim 9.

Accordingly, Yun fails to disclose all of the elements of claim 9, and claim 9 is allowable over Yun for at least these reasons. Dependent claims 11-12 and 22 depend from an allowable claim 9 and are also allowable for at least the same reasons.

Claims 13-21 and 24

Claim 13 has been amended such that amended claim 13 recites a method for remotely managing resources associated with an set top box (STB) comprising the steps of: receiving ... a first item of information from the STB, wherein the first item of information relates to resources for provisioning of audio/video services associated with the STB; retrieving ... from the STB a second item of information from a database spaced from the STB, wherein the second item of information relates to an expected configuration of the STB; comparing ... the first item of information with the second item of information; and sending an instruction from the first location remote from the STB to the STB wherein the instruction is adapted to perform a function on the STB that is related to the resources.

Yun fails to disclose each of these recitations. As discussed above, Yun teaches a diagnostic system to check the operational state of an STB and there is no teaching in Yun relating to provisioning of audio/video services associated with an STB as in currently amended claim 13.

Accordingly, Yun fails to disclose all of the elements of claim 13, and claim 13 is allowable over Yun for at least these reasons. Dependent claims 14-21 and 24 depend from an allowable claim 13 and are also allowable for at least the same reasons.

Furthermore, one or more of these dependent claims include additional features that are allowable over Yun. For example, information or instructions regarding specific resources such as in claims 14-19 are not taught in Yun. While Yun teaches assessing and diagnosing an operational state of an STB, it does not teach an instruction modifying an amount of available disk space on a fixed disk drive associated with the STB (claims

- 14-16), or an instruction that modifies a capability of a tuner (claims 17-19). Therefore these claims are allowable for these additional reasons as well.

Claims 25-30

Claim 25 has been amended to recite a computer readable medium having encoded instructions that causes at least one computer to: receive a first item of information from a set top box (STB), wherein the first item of information relates to parameter settings associated with the STB; retrieve a second item of information from a database spaced from the STB, wherein the second item of information relates to an expected configuration of the STB; compare the first item of information with the second item of information; and send an STB instruction to the STB wherein the instruction is adapted to perform a function on the STB that is related to the parameter settings. Yun fails to disclose each of these recitations. As discussed above, Yun teaches a diagnostic system to check the operational state of an STB and there is no teaching in Yun of comparing parameter settings for an STB as in currently amended claim 25.

Accordingly, Yun fails to disclose all of the elements of claim 25, and claim 25 is allowable over Yun for at least these reasons. Dependent claims 26-30 depend from an allowable claim 25 and are also allowable for at least the same reasons.

Conclusion

Applicant asserts that the application including claims 6-9 and 11-30 is now in condition for allowance. Applicant requests reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due beyond the fees for continued examination. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

Date: March 16, 2006

A handwritten signature in black ink, appearing to read "Michael J. Bootcheck", written over a horizontal line.

Michael J. Bootcheck

Reg. No. 52,636

Withers & Keys, LLC
P.O. Box 71355
Marietta, GA 30007-1355
(404) 849.2093